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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,255	08/04/1998	RONALD W. PAGE	NSCI-H0700 NS3287	4249

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EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/129,255	Applicant(s) PAGE, RONALD W.
	Examiner Victor R. Kostak	Art Unit 2614

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *4-12* is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's response is not fully responsive because the amendment is not in compliance with rule 119(b). This rule states the following: *"The reply [by an applicant] must present arguments pointing out the specific distinctions believed to render the claims,* ***including any newly presented claims,*** *patentable over any applied references."*

Instead of pointing out any supposed specific distinctions recited in the new claims, applicant gives a blanket statement, saying that the additional claims were submitted *"for purposes of clarity"*, which stated purpose itself is not clear and not in compliance with rule 119(b).

Instead of the Office responding with a "non-responsive" action, the examiner has addressed the amended and additional claims in an effort to advance prosecution.

2. Applicant's arguments filed on 10/06/03 have been fully considered but they are not persuasive. The previous rejection of claims 1-3 accordingly still apply, repeated below from the last Office action, applicant's arguments addressed in the context of the rejection.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nayebi et al.

Nayebi (Fig. 6) enables high-speed mixing (col. 11 line 65 – col. 12 line 2) of graphics (e.g. OSD) with video, the controller of which being shown in Fig. 4 (detailed in Fig. 5). Nayebi includes first and second differential pairs Q10 with Q20 and Q30 with Q40, where composite video signal input CV is applied to one input of the first differential pair by way of differential amplifier 60, and the same differential pair has biasing voltage from Vcc (not specified as biasing but functioning as such, as shown by Komori in Fig. 3 and col. 4 line 59 – col. 5 line 2, for example. Komori is not combined with Nayebi in the rejection but cited for evidence to matter). The output includes the video signal output by the differential pair as well as a subsequent amplified version carried out by driver 66.

Applicant argues the plural signals applied to *both* differential pairs of Nayebi, but because applicant's claim 1 only recites one differential pair and its signals, the examiner accordingly only addressed the one of Nayebi relevant to what the claim recites (the other differential pair mentioned in passing, as it is part of the overall circuit arrangement).

Applicant further argues the type of signal applied to *both* differential pairs, but again that is not relevant because only one such pair is claimed, and only a "video signal" is recited as being an input thereto. Regardless of the input of Nayebi being a composite video signal, it is still a video signal. Applicant persists in arguing an extent of Nayebi beyond what is relevant to the claimed subject matter.

Applicant also argues that amplifier acts only on the single output signal because two separate signals are not generated by either differential pair. This is not disputed by the examiner. However, the claim language is met because the claim only recites a first

output corresponding to the [said] video signal (which is met as shown in the circuit), and a second output signal amplifying the [said] video signal is met by the subsequent transformation of the first due to the gain by the amplifier to which it is sent. There is no specific language requiring distinct separate first and second signals that may be separately processed simultaneously or not.

Because applicant does not argue claim 2 separately but relies on his arguments to claim 1, claim 2 accordingly stands rejected as previously applied, repeated as follows.

The output signal of the Gilbert cell includes further biasing, as shown in Fig. 6, thereby meeting claim 2.

Applicant likewise fails to separately argue the rejection of claim 3, instead relying on his arguments regarding base claim 1. The brief refutation that Nayebi does not disclose or suggest the limitations recited therein does not adequately counter the rejection or the reasons for obviousness given. Claim 3 therefore also stands rejected as previously presented in the last Office action, repeated as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nayebi et al.

It would have been obvious to account for inherent negative traits characteristic of transistors, such as run-away, breakdown, or saturation swings. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate suitable measures to prevent

such problems, such as by biasing or clamping specific connection points, as is well known.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references all teach in some manner differential pair arrangements the include various biasing and clamping.

5. Claims 4-12 appear allowable over the prior art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner

Art Unit 2614

VRK